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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,813	10/20/2003	Taro Ikeda	03500.017674	8962
5514	7590	03/17/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, PETER	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,813	Applicant(s) IKEDA ET AL.	
	Examiner Peter Lee	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-14 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendments to the drawings have been reviewed and are found to be acceptable by the Examiner and will be entered. Claims 1-11 are canceled, and new claims 12-16 will be considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuma et al. (US pn 5160969) in view of Kashiwabara et al. (JP pn 11-002961) .

Mizuma teaches an image forming apparatus (Fig. 6) comprising: Four separate developing containers (Fig. 6 parts 107,109,111,113; note col. 14 lines 35-41) (ie. plurality of developing devices) corresponding to four separate colors to perform a color developing process with respect to the electrostatic latent image formed on the photosensitive body belt (Fig. 6 part 101) (ie. image bearing member); A rotating developing device (Fig. 6 part 137) (ie. rotary member) for holding the four developing containers and bringing them to the proper first developing position (fig. 6 reference P1; note col. 14 lines 35-41) (ie. selectively moving any developing device to a developing position).

The invention taught by Mizuno teaches a rotating developing device that will bring the developing containers to their proper position. In doing so, the movement of the rotating device

must go from a certain velocity to a stopped status upon coming to the proper developing position, and therefore it is inherent that a deceleration of the rotating developing device occurs before arriving at the developing position. Some degree of deceleration must occur because instantaneous stopping is not known to be possible.

Mizuna does not teach the four developing containers having the claimed first and second developer carrying members to carry developer to the image bearing member. Mizuna also does not teach having the claimed holding member for pivotally holding the first and second developer carrying members.

Kashiwabara teaches a first developer application means (Fig. 1, part 30) and second developer application means (Fig. 1 part 40) (ie. developer carrying members) for carrying developer to a photosensitive drum (Fig. 1 part 2) (ie. image bearing member); and a support shaft (Fig. 4 part 33) (ie. holding member) that holds the first developer application means and second applications means and is pivotally moveable (note: paragraph [0024]); the second developer application means is disposed upstream from said first developer application means.

Kashiwabara further teaches one of first and second developer application means substantially abutting against the photosensitive drum (note: paragraph [0004]; part 47 in Fig 4 is used for abutting the developing sleeve to the drum) whereby a position of the other developer application means relative to said photosensitive drum is determined (note: paragraph [0022]; this aspect can be seen in Fig. 6 when the first developing application means 30 is placed in position, the second developer application means 40 is at a set distance, DG2, from the photosensitive drum); or as seen in fig. 1, both first and second developing application means are taught to have an abutting member (fig. 1 see the second outer layer on both rollers).

Kashiwabara further teaches a biasing spring (Fig. 4 part 653) that is positioned and functions so that it is attached to the support shaft (Fig. 4 part 33) (ie. biases a portion of the holding member) and is near the abutting member (Fig 4 part 47) (note: from the figure 4 it can be seen that the biasing spring member 653 is near to the abutting member 47).

Kashiwabara teaches the use of a biasing spring (fig. 4 part 653) used to bias the developer application means towards the photosensitive drum (fig. 4 part 2) (ie. towards said image bearing member side). It is taught in figure 6 that the second developer application means abuts against the photosensitive drum before the first developer application means, and then it is also taught that subsequently in figure 7 the first developer application means will abut against the photosensitive drum (ie. second abutting member is brought into contact with said image bearing member, thereafter said first abutting member is brought into contact).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to take the single position developing device seen in Kashiwabara and put it into a multiple unit rotary apparatus as found in Mizuma. Combining such a single toner/developer device into a color image forming device is further supported in the fact that the reference Mizuma which includes the multiple developing device rotary member also includes a second and separate developing device (Fig. 6 part 151; Mizuna) specifically set aside for black developer (col. 14 line 52-60). One of ordinary skill in the art would have been motivated to bring the dual developer application means setup as seen in Kashiwabara into the rotary device seen in Mizuna because the dual developer application means has the ability to develop more of the latent image on an image bearing member, thus increasing the image formation rate of the over all image forming apparatus (Kashiwabara).

Response to Arguments

Applicant's amendments to the claims have necessitated the examiner to enter new prior art references to make a Final Rejection.

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues on page 7 and 8 that the prior art of reference does not teach a rotating developing device to decelerate its rotational speed before arriving at a developing position. However, this point is not seen to be persuasive because the prior art of reference, Mizuno et al. (US 5160969), clearly discloses a rotating developing device that brings its multiple developing units to a proper position. Therefore it is inherent in any moving object to have to decelerate its movement to come to a proper stop.


3. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Lee whose telephone number is 571-272-2846. The examiner can normally be reached on mon-fri 9:00 am-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PL 3/10/2005



Arthur A. Grimley
Supervisor, Patent Examiner
Technology Center 2800